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November 5, 2012

*Via Electronic Filing*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25

Dear Ms. Dortch:

On November 1, 2012, the undersigned of Comcast Corporation (“Comcast”) met separately with Nicholas Degani, Legal Advisor to Commissioner Pai, and Christine Kurth, Legal Advisor to Commissioner McDowell. The purpose of both meetings was to discuss the “comprehensive data collection order” that is expected to be issued in the near future.<sup>1</sup>

In the course of the meetings, I stressed the company’s desire to provide information that would be helpful to the Commission’s inquiry, noting that Comcast has participated in numerous calls and meetings with Commission staff regarding the wide array of data it plans to request. In light of these discussions, however, I expressed concern regarding the potentially significant burdens that may be imposed by the data request, particularly to the extent that data from the year 2010 is required. As the National Cable & Telecommunications Association has emphasized, the mandatory data request “could result in significant burdens for cable operators that compete in the marketplace for high-capacity dedicated services[.]”<sup>2</sup>

I also noted that the mandatory data request must meet the requirements of the Paperwork Reduction Act (“PRA”), which obligates the Director of the Office of Management and Budget to independently assess and determine “whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility.”<sup>3</sup> Indeed, the purpose of the PRA process is “to reduce,

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<sup>1</sup> *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, Report and Order, 27 FCC Rcd 10557, ¶ 86 (2012).

<sup>2</sup> Letter from Steven F. Morris and Jennifer K. McKee, National Cable & Telecommunications Association, to Marlene H. Dortch, FCC Secretary, WC Docket No. 05-25, at 3 (Oct. 10, 2012) (“NCTA *Ex Parte*”).

<sup>3</sup> 44 U.S.C. § 3508.

minimize and control burdens and maximize the practical utility and public benefit” of information collected by or for the Federal government.<sup>4</sup> Toward these ends, Comcast believes that the Commission should limit its request to the types of data required to assess the competitiveness of the marketplace for special access, specifically data necessary to “identify[] which areas of the country have competitive alternatives for dedicated high-capacity services and which areas do not.”<sup>5</sup>

Finally, I noted that Comcast remains very concerned about the commercial sensitivity of the data that may be requested, such as detailed information regarding prices charged, and discussed the Commission’s obligation to protect this information against disclosure. Comcast specifically discussed NCTA’s request that the Commission “only release [special access] data after it has reviewed it and determined that the data is relevant and necessary to any final decision it may make in the proceeding.”<sup>6</sup>

Pursuant to section 1.206(b)(2) of the Commission’s rules, 47 C.F.R. § 1.1206(b)(2), this *ex parte* notification is being filed for inclusion in the public record of the above referenced proceeding.

Respectfully submitted,

/s/ Mary McManus  
Mary McManus

cc: Nicholas Degani  
Christine Kurth

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<sup>4</sup> 5 C.F.R. § 1320.1.

<sup>5</sup> NCTA *Ex Parte* at 3.

<sup>6</sup> Letter from Steven F. Morris, National Cable & Telecommunications Association, to Marlene H. Dortch, FCC Secretary, WC Docket No. 05-25, at 3 (Oct. 24, 2012).